

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

In re Gertrude Coretta Fennell Hamilton,

Debtor,

Gertrude Coretta Fennell Hamilton,

Appellant,

v.

U.S. Bank National Association as Legal
Title Trustee for RMTP Trust, Series 2021
BKMTT-V: Rushmore Loan Management
Services LLC; PHH Mortgage Services;
Ocwen Loan Servicing, LLC,

Appellees.

Case No. 2:23-cv-06891-RMG

ORDER

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that Appellant’s appeal be dismissed as duplicative. (Dkt. No. 4). Appellant objected to the R & R. (Dkt. No. 6).

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court that has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where the plaintiff objects to the R&R, the Court “makes a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* Where the plaintiff has not objected to the R&R, the Court reviews the R&R only to “satisfy itself that there is no clear error on the face of the record in order to accept

the recommendation.” Fed. R. Civ. P. 72 advisory committee's note; *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (“In the absence of objection ... we do not believe that it requires any explanation.”).

II. Discussion

The Magistrate Judge has ably summarized the rather complicated procedural record in which Appellant, acting pro se, has filed multiple appeals from her Bankruptcy Court case, including the present appeal which attempts to relitigate a prior unsuccessful appeal. As the Magistrate Judge correctly noted, an appellant is not entitled to duplicative appeals. (Dkt. No. 4 at 3). The Court adopts the portions of the R&R concerning Appellant’s duplicative appeals (*Id.* at 1-2, 3-4) as the order of the Court. The Court finds it unnecessary to address the filing fee issue since the duplicative appeal issue alone is a sufficient basis to rule upon this appeal.

The Court hereby dismisses the appeal of Appellant (Dkt. No. 1) on the basis that it is duplicative of an earlier appeal.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard Mark Gergel
United States District Judge

January 6, 2025
Charleston, South Carolina